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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,338	12/16/2001	David Frank Yager	121501	8639

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EXAMINER	
ZAND, KAMBIZ	
ART UNIT	**PAPER NUMBER**
2132	2

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/683,338	YAGER ET AL.	
	Examiner	Art Unit	
	Kambiz Zand	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13-17,19 and 20* is/are rejected.

7)☒ Claim(s) *12 and 18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/16/2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. **Claims 1-20** have been examined.

2. Examiner acknowledges the claim priority benefit of non-provisional application 09/683,338 of a provisional application 60/255,718 filed December 18th, 2000.

Drawings

3. The drawings are objected to because the number of figures presented are in contradiction with the number of figures claimed (see page 10, [0047] through page 11, [0053] of the specification in comparison with the drawings). There is no reference to fig.4a in the specification. Examiner considers the phrase "fig.4a." as a typo error within fig.4 and suggests deletion of the phrase "fig.4a." from the drawings in harmony with the detailed description of fig.4 in the specification. Correction is required.

Specification

4. The title of the invention on page 1 and 37 of the specification "an improved security code activated access control system" is not descriptive enough. Examiner suggests the following title is suggested: "security code activated access control system" in harmony with Applicant's Bib Data Sheet.

Claim Objections

5. **Claims 2, 3, 5 and 14** are objected to because of the following informalities: Typo error.

Claim 2:

- please replace the phrase "use" line 1 by the phrase "user".

6. **Claim 3** is objected to base on its dependency on the objected claim 2.

Claim 5:

- please replace the phrase "use" line 1 by the phrase "user".

Claim 14:

- please replace the phrase "use" line 3 by the phrase "user".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. **Claims 1-14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. **Claim 1** recites the limitation "said database" line 7 in the claim. There is insufficient antecedent basis for this limitation in the claim.

10. **Claims 2-14** are rejected based on their dependency on the rejected claim 1 above.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1-7, 13-17 and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Gruenberg (4,926,478).

As per claims 1 and 15 Gruenberg (4,926,478) teach a system and a method and for access control comprising: a user interface having means and method to generate key codes (unique code) **(see fig.5, block 201; col.9, lines 52-56 where it disclose generation of the random numbers where the random numbers corresponds to Applicant's generated key codes or unique code as it calls in claim 15)** and add user codes whereby issuing a security code with user defined parameters **(see fig.5 block 202 for addition to block 200 that**

corresponds to user codes and block 201 and where the output of block 202 consist of addition of random number and id info. Corresponds to Applicant's security code; col.9, lines 42-49 and 56), a control device having **(see fig.5 block y corresponding to Applicant's control device)**; an input device for entering security codes **(see fig.5 block 3 the encoder/decoder that corresponds to input device for entering the security code that originally transmitted through link 5 via block 1 of the sender block X where it finally be send to block 206 as also depicted in col.9, line 61-62)**, a multitude of key codes stored in memory equivalent to key codes generated by said database and, a controller with programming having means to compare key codes inputted, to key codes in memory **(see fig.5 block 206; col.9, lines 61-67 and col.10, lines 1-5 where the block 206 not only have storage or memory or database (col.9, line 43-51) for storing stored identification information that corresponds to generated keys but also means such as processor for comparing the key codes received with the one in its storage in order to verify the authenticity of the received codes where the block)** and, when equal, interpret the user code whereby performing a required output relative to the user code parameters **(see fig.5 block 206 in relation to block 204 where upon authentication which is equality of the code received with the one stored in block 206 the output signal validation information is being generated for authenticity acknowledgment and it is user related since it consist of user codes and further process according to the key functions as depicted in col.10, lines 7-22).**

As per claim 2 Gruenberg (4,926,478) teach the system as set forth in claim 1, wherein said user codes are defined by user input via a user interface **(see col.9, lines 42-49 where the codes are defined by a user such as signature, personal history, credit card number, etc..; fig.5, block 200 corresponds to user interface with respect to user defined codes input).**

As per claims 3 and 16 Gruenberg (4,926,478) teach the system and the method as set forth in claims 2 and 15, wherein said user input may be selected from a group consisting of personnel identification, time based, multiple use, single use, location based, or limits set for a peripheral device **(see col.9, lines 45-49 where the selection could be a personal history that corresponds to Applicant's personal identification).**

As per claim 4 Gruenberg (4,926,478) teach the system as set forth in claim 1, wherein the database may reside on a computing device selected from a group consisting of a personal computer, a handheld computing device, or a server **(see fig.5 block 200 and 206 representing the databases residing on computing device X and Y where X and Y corresponds to Applicant's personal computer or a server since it has the computing capabilities plus Rom, Ram, Processor, storage which is typical of a personal computer or further authentication capabilities such as encoder/decoder and random generator means which is typical on a server as depicted in fig.5; another**

analogy also is correct that the personal computer or a server represent computing device and therefore X and Y represent such selection).

As per claim 5 Gruenberg (4,926,478) teach the system as set forth in claim 1, wherein said key codes and said user codes are cryptically embedded within said security code **(see fig.5, block 200 and 201 are added by xoring in block 202 and the output as the security code is encrypted (cryptically embedded) in block 1 before being transmitted)**.

As per claims 6 and 17 Gruenberg (4,926,478) teach the system and the method as set forth in claims 1 and 15, said database further includes a software program and algorithm having means to regenerate key codes to new key codes after being issued **(see col.9, lines 52-59 where the generation of the random numbers or key codes (as described in claims 1 and 15 above) is random and continuous that corresponds to regeneration of the key codes).**

As per claim 7 Gruenberg (4,926,478) teach the system as set forth in claim 1, said database further includes a software program having means to accept input of transaction specific data associated with each security code issuance **(see col.10, lines 7-15 disclosing program means for having a specific transaction such as authorization of transmission of funds where it is associated with validation of the security code block 207 of fig.5).**

As per claims 13 and 20 Gruenberg (4,926,478) teach the system and the method as set forth in claims 1 and 15, the access control device further including a software program having means to recognize valid security codes inputted when said security codes are inputted in a different sequential order than issued from the database **(see verification of the security codes as applied to claim 1 and 15 above; further fig.5 block 201 disclose generation of random keys and therefore the security codes generated as the result of Xoring the generated keys and user info parameters from block 200 are not in sequential order since they are random and recognizable as applied to claim 1 and 15 above).**

As per claim 14 Gruenberg (4,926,478) teach the system as set forth in claim 1, the access control device further including a software program having means to interpret the user defined parameters of the inputted user code and perform a function relative to the user code parameters **(see fig.5 block 200 that corresponds to user codes which are defined by user parameter as depicted in col.9, lines 45-49 and block 202 where by adding the output of block 201 and 200 a function of Xoring which is relative to user code parameter is generated).**

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. **Claims 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruenberg (4,926,478) in view of Okamoto (5,465,083 A).

As per claim 8 Gruenberg (4,926,478) teach all limitation of the system as set forth in claim 1 above but do not disclose, wherein said input device being selected from a group consisting of a keypad, a card reader, a barcode reader, a radio frequency transmitter, an infrared transmitter or an auxiliary input device. However Okamoto (5,465,083 A) disclose input device is selected from a group that consist of auxiliary input and keypad such as keyboard **(see col.3, lines 52-64 where encoder, aux.input and keyboard relationship is outlines with respect to transmission of encoded data)**. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Okamoto's selection of auxiliary input device in Gruenberg's encoder input device in order to have access to a keyboard connected to the auxiliary unit for inputting data and encoding key input through the connected keyboard).

As per claim 9 Gruenberg (4,926,478) teach the system as set forth in claim 8, wherein said auxiliary input device being selected from a group consisting of relays, switches, sensors, potentiometers, gauges or controls **(see col.4, lines 35-39 where each bit received is the key for decoding the next bit that is using switches to switch from encoding to decoding within the encoder block 1 of fig.5 bit by bit).**

15. **Claims 10, 11 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruenberg (4,926,478) in view of Peterson (6,266,525 B1).

As per claim 10 Gruenberg (4,926,478) teach all limitation of the system as set forth in claim 1, but do not disclose explicitly that the access control device further including a software program having means to archive security codes after use. However Peterson (6,266,525 B1) disclose method and system for detecting fraudulent use of a communication system in which the access control device further including a software program having means to archive security codes after use **(see col.8, lines 41-52 where it disclose the random numbers that corresponds to keys are archived after it is transmitted where the new updated one are assigned to users).** It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Peterson' s method of used security keys in Gruenberg's database key storage in order for future reference to identify potentially fraudulent use of the communication system.

As per claim 11 Gruenberg (4,926,478) teach the system as set forth in claim 10, the software program further including an algorithm having means to regenerate key codes to new key codes equal to newly regenerated key codes in the database **(see col.9, lines 52-59 where the generation of the random numbers or key codes (as described in claims 1 and 15 above) is random and continuous that corresponds to regeneration of the key codes).**

As per claim 19 Gruenberg (4,926,478) teach the method as set forth in the claim 15 above including regenerate key codes to new key codes equal to newly regenerated key codes in the database **(see col.9, lines 52-59 where the generation of the random numbers or key codes (as described in claims 1 and 15 above) is random and continuous that corresponds to regeneration of the key codes)**, but do not disclose explicitly that the access control device further including a software program having method to archive security codes after use. However Peterson (6,266,525 B1) disclose method and system for detecting fraudulent use of a communication system in which the access control device further including a software program having means to archive security codes after use **(see col.8, lines 41-52 where it disclose the random numbers that corresponds to keys are archived after it is transmitted where the new updated one are assigned to users).** It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Peterson' s method of used security keys in Gruenberg's database key storage in order for

future reference to identify potentially fraudulent use of the communication system.

Allowable Subject Matter

- Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
- Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Gruenberg, Peterson, Okamoto singly or in combination do not disclose the specific steps of Applicant's invention where the access control device includes a software program having means to limit the amount of key codes in memory available for comparison to the inputted security codes from total amount of security codes in memory.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

17.

U.S.Patent No. US (6,378,073 B1) teach single account portable wireless financial messaging unit.

U.S.Patent No. US (6,026,166 A) teach digitally certifying a user identity and a computer system in combination.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned as (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kambiz Zand

09/14/04